

REMARKS

Claims 1-11 and 20-40 are pending. By this Amendment, claims 1 and 38 are amended to incorporate the subject matter of claims 12 and 13, and claims 12 and 13 are canceled without prejudice to or disclaimer of the subject matter recited therein. No new matter is added by the above amendments.

The Office Action rejects claims 1-13 and 20-40 under 35 U.S.C. §103(a) over Fredlund et al. (Fredlund), U.S. Patent No. 6,154,295, in view of Nardoizzi et al. (Nardoizzi), U.S. Patent No. 6,636,837. The rejection of canceled claims 12 and 13 is moot. The rejection of the remaining claims is respectfully traversed.

Neither Fredlund nor Nardoizzi discloses or suggests (1) a plurality of predetermined time periods are prepared and the charge determiner deducts a different predetermined amount for each of the plurality of predetermined time periods, as recited in independent claims 1 and 38; (2) a checker that checks whether or not the user has previously ordered a print with the same laboratory system, as recited in independent claims 20 and 39; and (3) a checker that checks whether or not the user has previously ordered prints with the same print service front according to the record recorded by the first recorder, as recited in independent claims 28 and 40.

With respect to (1), Applicant respectfully disagrees with the Office Action's assertion that Fredlund discloses a plurality of predetermined time periods are prepared and the charge determiner deducts a different predetermined amount for each of the plurality of predetermined time periods. Fredlund merely teaches that a customer may either have the digital file of their negatives deleted or extended for a certain period of time, and that there are several services and special price advantages offered during the time period (col. 3, lines 47-56; col. 4, lines 43-50). If any service is ordered by the customer, maintenance of the digital negatives file may be extended (col. 3, lines 56 and 57; col. 4, lines 50 and 51).

However, nowhere does Fredlund disclose or suggest that a charge determiner deducts a different predetermined amount for each of the plurality of predetermined time periods. Any allegation otherwise by the Patent Office would require impermissible hindsight by incorporating knowledge gleaned only from Applicant's disclosure (see MPEP §2145(X)(A)). Further, Nardozzi fails to account for this deficiency of Fredlund. Nardozzi merely discloses offering discount coupons to customers to encourage customers to try new goods and services (col. 9, lines 39-52). Accordingly, independent claims 1 and 38, along with their dependent claims, are patentable over the combination of Fredlund and Nardozzi for at least this reason.

With respect to (2), Applicant also respectfully disagrees with the Office Action's assertion that Fredlund discloses a checker that checks whether or not the user has previously ordered a print with the same laboratory system, as recited in independent claims 20 and 39. Fredlund merely teaches that the developed film 18, prints 22 and index print 32 are sent to the customer along with instructions 38 informing the customer of the printing and related photographic services available (col. 3, lines 41-45). Based on this information, the customer can call a 1-800 number, to either have the digital file of their negatives deleted or extended for a certain period of time (col. 3, lines 47-50). However, nowhere does Fredlund disclose or suggest that a checker that checks whether or not the user has previously ordered a print with the same laboratory system, as recited in claims 20 and 39. Further, Nardozzi fails to account for this deficiency of Fredlund. Nardozzi merely discloses ordering photofinishing goods and/or services at a retail establishment to be provided by a remote photofinishing lab (col. 1, lines 19 and 20). However, there is no evidence that the method or apparatus of Nardozzi includes checking whether or not the user has previously ordered a print with the same laboratory system. Accordingly, independent claims 20 and 39, along with their dependent claims, are patentable over the combination of Fredlund and Nardozzi for at least this reason.

With respect to (3), Applicant also respectfully disagrees with the Office Action's assertion that it would have been obvious to modify the Fredlund system in view of Nardozzi to result in a checker that checks whether or not the user has previously ordered prints with the same print service front according to the record recorded by the first recorder, as recited in independent claims 28 and 40, for reasons similar to those discussed with respect to (2), discussed above. Accordingly, independent claims 28 and 40, along with their dependent claims, are patentable over the combination of Fredlund and Nardozzi for at least this reason.

Thus, independent claims 1, 20, 28 and 38-40, along with their dependent claims, are patentable over Fredlund and Nardozzi. Therefore, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 and 20-40 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

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